

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

JAY ROSSI,

Plaintiff,

v.

GENERAL NUTRITION CORPORATION
and GRENADE USA, LLC,

Defendants.

No. 1:19-cv-01417

Honorable Manish S. Shah

**PLAINTIFF JAY ROSSI'S REPORT TO THE COURT
REGARDING DEFENDANT GRENADE USA, LLC**

Now Comes the Plaintiff, JAY ROSSI, and as a supplement to the Joint Status Report filed by Plaintiff and Defendant GENERAL NUTRITION CORPORATION ("GNC"), Plaintiff submits the following Status Report Regarding Defendant GRENADE USA, LLC ("Grenade USA"):

Introduction – Corporate Information for Defendant Grenade USA

1. As set forth below, Grenade USA was served with the original Complaint on March 15, 2019. Dkt. 7. Grenade USA, however, has not appeared and has not answered the Complaint. Plaintiff filed a First Amended Complaint ("FAC") on May 22, 2019. Dkt. 10.
2. Grenade USA is a Delaware Limited Liability Company and maintains its principal office in Cranston, Rhode Island. Dkt. 1, Complaint, ¶¶ 54, 51; FAC ¶¶ 53, 50-51.
3. The State of Rhode Island and Providence Plantations Office of the Secretary of State, lists Grenade USA as Foreign Limited Liability Company organized under the laws of Delaware, with the assigned Identification Number of 001329856. Complaint, ¶50; FAC ¶ 51.
4. The following is a true and accurate screen capture of the Rhode Island and Secretary of State's search result, "Entity Summary", for Grenade USA is depicted on the below page:

y.aspx?FEIN=001329856&SEARCH_TYPE=1



Rhode Island Department of State
Nellie M. Gorbea
 Secretary of State

[HOME](#)
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[CIVICS AND EDUCATION](#)

Entity Summary

ID Number: 001329856 [Request certificate](#) [New search](#)

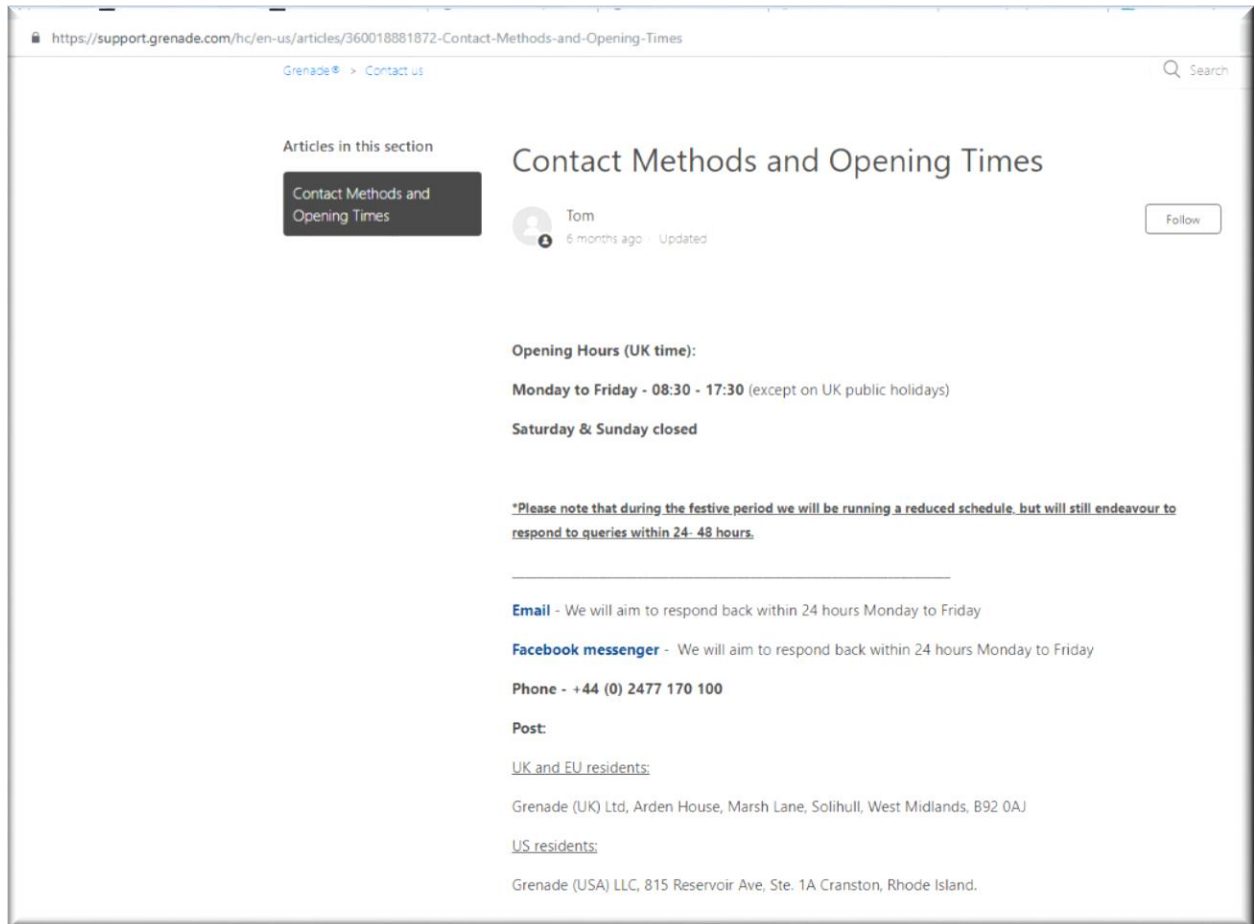
Summary for: **GRENADA (USA), LLC**

The exact name of the Foreign Limited Liability Company: GRENADA (USA), LLC		
Entity type: Foreign Limited Liability Company		
Identification Number: 001329856		
Date of Registration in Rhode Island: 05-04-2015	Effective Date: 05-04-2015	
Organized under the laws of: State: DE Country: USA		
The location of the Principal Office:		
Address: 815 RESERVOIR AVENUE SUITE 1A		
City or Town, State, Zip, Country: CRANSTON, RI 02910 USA		
The mailing address or specified office:		
Address: 815 RESERVOIR AVENUE SUITE 1A		
City or Town, State, Zip, Country: CRANSTON, RI 02910 USA		
Agent Resigned: N	Address Maintained: Y	
The name and address of the Resident Agent:		
Name: SEAN GAGNE		
Address: 815 RESERVOIR AVE STE 1A		
City or Town, State, Zip, Country: CRANSTON, RI 02910 USA		
The limited liability company is to be managed by its Members		
The name and business address of each Manager:		
Title	Individual name	Address
Purpose:		
WHOLESALE DISTRIBUTION		
North American Industry Classification System Code(NAICS):		
425120 Wholesale Trade Agents and Brokers		
View filings for this business entity:		
ALL FILINGS Amendment to Application for Registration Annual Report Annual Report - Amended Annual Report - Reinstatement		
Click here to access 2006 and 2007 annual reports filed prior to July 25, 2007. The corporate ID is required.		

5. The above screen capture was taken on June 11, 2019.

6. According to the above Entity Summary, Grenade USA's principal office, resident agent and mailing address are all listed as 815 Reservoir Ave, Ste. 1A Cranston, Rhode Island, 02910. *See also* Complaint ¶ 51; FAC ¶¶ 51. Grenade USA's website identifies the same Rhode Island address. Complaint ¶ 52; FAC ¶¶ 52.

7. A true and accurate screen capture of Grenade USA's website is depicted on the following page:



8. As identified by the Delaware Department of State, Division of Corporations' website, Grenade USA's registered agent is Sundoc Filings, 3500 S. Dupont Highway, Dover, Delaware 19901. FAC ¶54.

9. The following image is a true and accurate image of Grenade USA's "Entity Details" and "REGISTERED AGENT INFORMATION" as identified by the website operated by the Delaware Department of State, Division of Corporations:

← → ↻ https://icis.corp.delaware.gov/Ecorp/EntitySearch/NameSearch.aspx

Department of State: Division of Corporations

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[How to Form a New Business Entity](#)
[Certifications, Apostilles & Authentication of Documents](#)

Entity Details

THIS IS NOT A STATEMENT OF GOOD STANDING

File Number:	5603261	Incorporation Date / Formation Date:	9/15/2014 (mm/dd/yyyy)
Entity Name:	GRENADE (USA), LLC		
Entity Kind:	Limited Liability Company	Entity Type:	General
Residency:	Domestic	State:	DELAWARE

[REGISTERED AGENT INFORMATION](#)

Name:	SUNDOC FILINGS		
Address:	3500 S. DUPONT HIGHWAY		
City:	DOVER	County:	Kent
State:	DE	Postal Code:	19901
Phone:			

10. The above screen capture was taken on June 11, 2019.

11. Alternatively, Grenade USA's "resident agent" for service of process is Sean Gagne, at 815 Reservoir Ave, Ste. 1A Cranston, Rhode Island, 02910 as depicted by the Rhode Island and Secretary of State's search result, "Entity Summary", for Grenade USA.

Summary of Service

12. On March 13, 2019, Plaintiff attempted to serve Grenade USA at the address of its registered agent, 815 Reservoir Ave, Ste. 1A Cranston, Rhode Island, 02910. "Affidavit of Non-Service" resulted from this attempted service. The Affidavit of Non-Service completed by Constable Ashely Waddington states that the process server was informed that "[a]ll document must be served to Grenade USA LLC 874 Walker Road, Suite C, Dover, DE 19904."

13. Below is an accurate screen capture of Constable Waddington's sworn Affidavit of Non-Service:

Case Number 1:19-cv-01417

Defendant
General Nutrition Corporation and
Grenade USA LLC

AFFIDAVIT OF NON- SERVICE

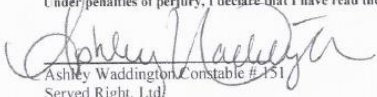
I Ashley Waddington, being duly sworn, depose and say, I have been duly authorized to make service of the documents(s) listed herein in the above styled case. I am over the age of 18, and am not a party to or otherwise interested in this matter.

For: Paul Pankiewicz
Date Received: 3/11/19
Document(s): Summons, Complaint, Prayer for relief, Jury Trial Demand, notice of mandatory Initial Discovery, Amended standing order regarding mandatory initial Discovery pilot project.
Serve To: Grenade USA LLC
Address: 815 Reservoir Ave Ste 1A Cranston RI 02910

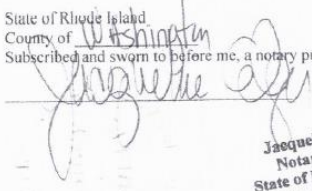
Attempted to serve 3/13/19 @2:35pm All documents must be served to Grenade USA LLC 874 Walker Rd. Suite C Dover, DE 19904

3/18/19 As per your request I am closing the case and returning your affidavit of non-service

Under penalties of perjury, I declare that I have read the foregoing document and that the facts stated in it are true.


Ashley Waddington, Constable # 151
Served Right, Ltd.
P.O. Box 283
East Greenwich, RI 02818-0284
(401) 529-1804

State of Rhode Island
County of Washington
Subscribed and sworn to before me, a notary public, on 3/18/19


Jacqueline Alger
Notary Public
State of Rhode Island
Commission Expires on 8/31/21
ID # 56342

14. Thereafter, as a result of the representations made to Plaintiff's process server, on March 15, 2019, Grenade USA was served at Walker Road, Suite C, Dover, DE 19904, by and through Sundoc Filings. Dkt. 7.

15. Below is an accurate screen capture of the proof of service executed by Granville Morris upon Jane Dixon, Managing Agent:

AO 440 (Rev. 01/09) Summons in a Civil Action (Page 2)

Civil Action No. 1:19-CV-01417

PROOF OF SERVICE
(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

This summons for (name of individual and title, if any) GRENADE® USA, LLC
was received by me on (date) 3/15/19

☐ I personally served the summons on the individual at (place) _____
ON (date) _____, or

☐ I left the summons at the individual's residence or usual place of abode with (name) _____
_____, a person of suitable age and discretion who resides there,
on (date) _____, and mailed a copy to the individual's last known address; or

☒ I served the summons on (name of individual) JANE DIXON (MANAGING AGENT), who is
designated by law to accept service of process on behalf of (name of organization) GRENADE® USA, LLC
C/O SUNDOK FILINGS, 874 WALKER ROAD, SUITE C, DOVER, DE 19904 ON (date) 3/15/19 AT 1:30 PM

☐ I returned the summons unexecuted because _____, or

☐ Other (specify): _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____

I declare under penalty of perjury that this information is true.

Date: 3/15/19

Server's signature

GRANVILLE MORRIS PROCESS SERVER
Printed name and title

BRANDYWINE PROCESS SERVERS, LTD, PO BOX 1360,
WILMINGTON, DE 19899
Server's address

Additional information regarding attempted service, etc:

SERVED SUMMONS; COMPLAINT; NOTICE; STANDING
ORDER

SWORN TO ME ON 3/15/19

KEVIN DUNN
NOTARY PUBLIC
STATE OF DELAWARE
My Commission Expires September 14, 2020

16. Grenade USA has yet to answer or otherwise appear. Paragraph 54 of the First Amended Complaint (“FAC”) alleges that “[a]lternatively, Grenade USA’s registered agent, Sundoc [Filings], is listed with an address of 874 Walker Road, Suite C, Dover, DE 19904.” “Despite being served, Grenade USA did not answer the operative Com[p]laint.” FAC, ¶¶55-56.

17. On June 11, 2019, prior to filing this document, Plaintiff emailed copies of the original Complaint (dkt. 1), Proof of Service (dkt. 7) and First Amended Complaint (dkt. 10) to emails listed on Grenade USA’s website and submitted the same documents via Grenade USA’s website contact page.

18. Below is an accurate screen capture of the message and attachments that Plaintiff transmitted prior to submitting this report to the Court:

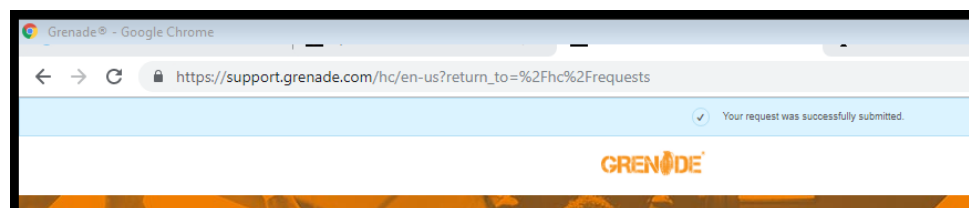
The screenshot shows a web browser window with the URL <https://support.grenade.com/hc/en-us/requests/new>. The page title is "Submit a request". The form fields are as follows:

- Your email address ***:
- Full name ***:
- Subject ***:
- Category ***:
- Description ***:
- Order Number (if applicable)**:
- Phone number**:
- Attachments**:

Below the form, there are three links to attachments:

- [Dkt. 1, Complaint, 19-cv-01417, Rossi v. General ...](#)
- [Dkt. 7, Summons executed as to Grenade USA.pdf](#)
- [Dkt. 10, First Amended Complaint, Rossi v. GNC ...](#)

19. Plaintiff's above message was "successfully submitted" per Grenade USA's website:

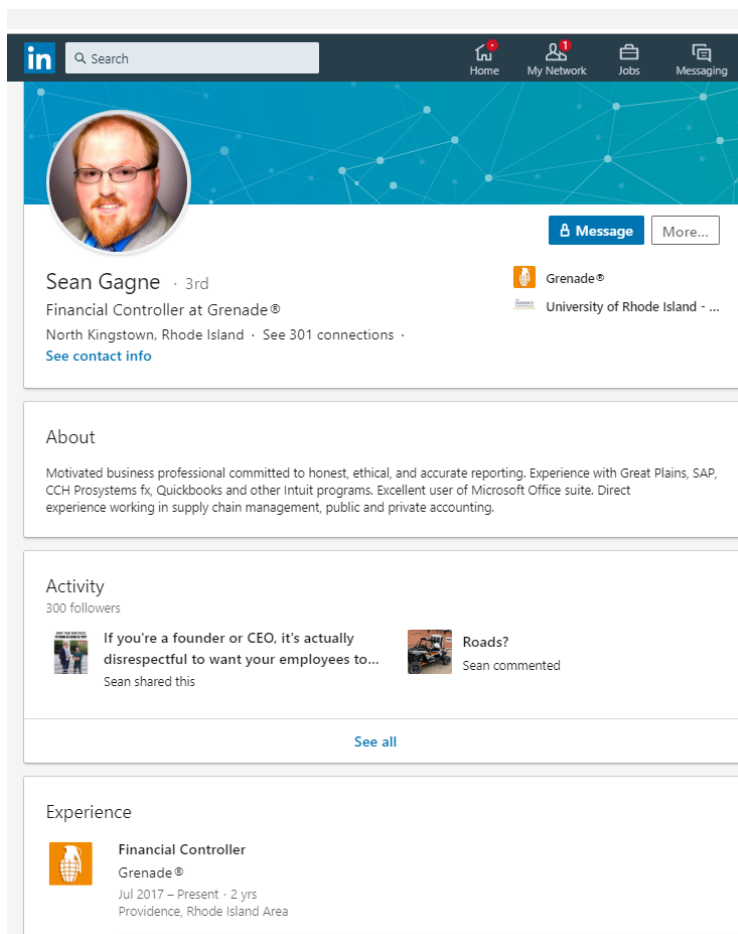


20. Plaintiff's above message was also "received" per Grenade USA's automated return email:



21. Plaintiff is prepared to return to the location of its first attempt to serve Grenade USA, Grenade USA's listed principal business address of 815 Reservoir Ave, Ste. 1A Cranston, Rhode Island, 02910, to serve Sean Gagne, who is listed as its registered agent according to Rhode Island Secretary of State's website "Entity Summary" for Grenade USA.

22. On the following page is a true and accurate screen capture of the LinkedIn profile of Sean Gage, who lists himself as a "financial Controller as Grenade®."



23. In the alternative, if Plaintiff's process server is unable to serve Grenade USA for a second time at Grenade USA's corporate offices, Plaintiff will advise the court and seek alternative means of service.

Dated: June 11, 2019

Counsel for Plaintiff, Jay Rossi

/s/ James C. Vlahakis
James C. Vlahakis
Sulaiman Law Group, Ltd.
2500 South Highland Avenue, Suite 200
Lombard, Illinois 60148
630-575-8181 Fax: 630-575-8188
Email: jvlahakis@sulaimanlaw.com

Certificate of Service

The undersigned, attorney for Plaintiff, further certifies that on June 12 2019, he caused the foregoing Joint Initial Status Report to be electronically filed with the Clerk of the United States District Court for the Northern District of Illinois using the CM/ECF system, which will send notification of such filing to all parties that have appeared in this action.

/s/ James C. Vlahakis
James C. Vlahakis

Alternative Certificate of Service For Grenade USA, LLC

The undersigned, attorney for Plaintiff, further certifies that on June 12, 2019, he caused a copy of the foregoing Joint Initial Status Report to be served by U.S. mail, postage prepaid, on Grenade USA, LLC's registered agent at the following address:

Sundoc Filings
874 Walker Road Suite C
Dover, Delaware 19904

The undersigned, attorney for Plaintiff, further certifies that on June 12, 2019, basehe caused the foregoing Joint Initial Status Report to be served by U.S. mail, postage prepaid, on the following address based upon Grenade USA, LLC's website, <https://www.grenade.com/us/business-consumer-terms>:

Legal Department Grenade
c/o 225 Episcopal Road
Berlin, CT 06037

The undersigned, attorney for Plaintiff, further certifies that on June 12, 2019, he caused the foregoing Joint Initial Status Report to be served by U.S. mail, postage prepaid, on the below address based upon the listing of this address on Grenade USA, LLC's website, <https://support.grenade.com/hc/en-us/articles/360018881872-Contact-Methods-and-Opening-Times>:

Grenade® USA, LLC
815 Reservoir Ave, Ste. 1A
Cranston, Rhode Island, 02910

The undersigned, attorney for Plaintiff, further certifies that on June 12, 2019, he caused the foregoing Joint Initial Status Report to be served by way of email upon the below email address based upon the below email having been listed on Grenade USA, LLC's website, <https://www.grenade.com/us/website-terms>:

customerservice@grenade.com

The undersigned, attorney for Plaintiff, further certifies that on June 12, 2019, he caused the foregoing Joint Initial Status Report to be served by way of an email portal that is contained on Grenade USA, LLC's website, <https://support.grenade.com/hc/en-us/articles/360018881872-Contact-Methods-and-Opening-Times>.

The undersigned, attorney for Plaintiff, further certifies that on June 12, 2019, he caused the foregoing Joint Initial Status Report to be served by way of email upon the below email address based upon the below email having been listed on Grenade USA, LLC's website, <https://www.grenade.com/us/privacy-policy>:

casework@grenade.com

The undersigned, attorney for Plaintiff, further certifies that on June 12, 2019, he caused the foregoing Joint Initial Status Report to be served by way of email upon the below email addresses based upon the below emails having been listed on Grenade USA, LLC's website, <https://www.grenade.com/us/disclaimer>:

dpo@grenade.com and info@grenade.com

/s/ James C. Vlahakis
James C. Vlahakis